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Hon. Naomi Reice Buchwald
United States Courthouse
Southern District of New York
500 Pearl St.
New York, New York 10007

September 19, 2016

VIA ECF AND FACSIMILE TO (212)805-7927

Re: *Adar Bays, LLC v. 5BARZ International, Inc.* 16-cv-6231 (NRB)

Dear Judge Buchwald:

This firm represents Adar Bays, LLC (“Adar” or “Plaintiff”), plaintiff in the above-captioned action. I write to update the Court regarding Defendant, 5Barz International, Inc.’s (“BARZ” or “Defendant”) unwillingness to engage in meaningful settlement discussions, and to respectfully request that the Court proceed with Plaintiff’s motion.

During a telephone conference with the Court on September 8, 2016, the Court directed the parties to make a good faith effort to discuss settlement of this matter before proceeding with Plaintiff’s motion. Instead of engaging in settlement discussions, Defendant filed two letters with the Court, the first requesting the appointment of a mediator, and the second attempting to oppose Plaintiff’s motion. Plaintiff filed a letter expressing its concerns about the length of time of the mediation process. On September 15, 2016, the Court again directed the parties to discuss the possibility of settlement, and reminded the parties of the potential to have a Magistrate Judge mediate settlement discussions, then requested that the parties update the Court today.

Since the September 8, 2016 telephone conference, Plaintiff has sought to discuss settlement with Defendant. On numerous occasions, Plaintiff has asked

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